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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,264	12/12/2001	Michael Wayne Brown	AUS920010826US1	1742
43307	7590	07/05/2005	EXAMINER	
IBM CORP (AP) C/O AMY PATTILLO P. O. BOX 161327 AUSTIN, TX 78716			UBILES, MARIE C	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/015,264	BROWN ET AL.
Examiner	Art Unit	
Marie C. Ubiles	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 April 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-54 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-54 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/26/05, 5/9/05.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment filed on April 15, 2005 has been entered. Claims 30, 37 and 44 have been amended. No claims have been cancelled. No claims have been added. Claims 1-54 are still pending in this application, with claims 1, 12, 23, 30, 37, 44, 50, 52 and 54 being independent.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3, 5,12-14, 16, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240), as per the reasons set forth in the Office Action mailed on 1/21/05.

4. Claims 4, 6-8, 10-11,15, 17-19, 21-22, 26-29 and 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240), as per the reasons set forth in the Office Action mailed 1/21/05.

5. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240) in view of Uppaluru (US 5,915,001), as per the reasons set forth in the Office Action mailed 1/21/05.

6. Claims 30-31, 34-36, 37-38, 41-43, 44-45 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240), as per the reasons set forth in the Office Action mailed 1/21/05.

7. Claims 32, 39 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240), as applied to claims 30-31, 34-36, 37-38, 41-43, 44-45 and 48-49 above, and further in view of Walker et al. (US 5,978,467), as per the reasons set forth in the Office Action mailed 1/21/05.

8. Claims 33, 40 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,178,240), as applied to claims 30-31, 34-36, 37-38, 41-43, 44-45 and 48-49 above, and further in view of Eitel et al. (US 5,933,828).

### ***Response to Arguments***

9. Applicant's arguments filed April 15, 2005 have been fully considered but they are not persuasive.

The Examiner believes that Applicant is rehashing arguments already addressed in the Office Action mailed on 1/21/05. Examiner respectfully directs Applicant to the reasons for combination and response to arguments set forth on the previous Office Action.

Regarding the newly introduced limitations of claims 30, 37 and 44, the Examiner believes that these do not change the scope of the invention, thus the same reasons and arguments of Office Action mailed on 1/21/05 still apply.

In addition, Applicant requests documentary support for statements of "common knowledge" regarding the existence of "preferred customer programs" (Page 31 of "Remarks" with date of 4/15/05) and "authenticating a customer based on a telephone number for credit card activation" (Page 34 of "Remarks" with date of 4/15/05).

Consequently, the Examiner provides Applicant with Walker et al. (US. 6,018,718), which teaches the well-known "customer program" in Col. 2, line 57 through Col. 3, line 2.

In order to support the assessment of common knowledge for the authentication a customer based on a telephone number for credit card activation, the Examiner provides Applicant with Partovi et al. (US 6,807,574), specifically Col. 2, lines 8-21.

Further, the Applicant argues that even though a customer is calling from the own phone number that action per se, does not necessarily authenticates the person. Regards to this issue, the Examiner refers Applicant to Col. 4, lines 6-9 of Partovi.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (571)272-7491. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles  
June 24, 2005.

  
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